

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

EDWIN K. SLAUGHTER et al.,

Plaintiffs,

vs.

UPONOR, INC. et al.,

Defendants.

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GREYSTONE NEVADA, LLC et al.,

Plaintiffs,

vs.

ANTHEM HIGHLANDS COMMUNITY  
ASSOCIATION,

Defendant.

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2:08-cv-01223-RCJ-GWF

2:11-cv-01424-RCJ-CWH

**ORDER**

This case arises out of the manufacture, marketing, distribution, and installation of allegedly defective “yellow brass” plumbing components, which Plaintiffs allege caused harm, or threaten to cause harm, to their residences. On January 11, 2013, the Court held a hearing in Las Vegas concerning consolidation of the various cases pending throughout the District.

There are two categories of cases pending to the Court’s knowledge: ten of the first type, and three of the second type. First are those ten cases the Court will refer to as *Slaughter*-type cases, in which homeowners or homeowners’ associations (“HOA”) have sued manufacturers, distributors, developers, plumbers, etc. over the construction defects. The Court has already

1 consolidated four of the *Slaughter*-type cases. The lead case is *Slaughter v. Uponor, Inc.*, No.  
2 2:08-cv-1223. The member cases are *Fulton Park Unit Owners' Association v. PN II, Inc.*, No.  
3 2:11-cv-783; *Dakota Condominium Association v. Wirsbo Co.*, 2:11-cv-812; and *Wolinsky v.*  
4 *Carina Corp.*, No. 2:11-cv-830. The Court, having received the concurrence of the transferor  
5 judges where applicable, will via the present Order consolidate the six additional cases listed,  
6 *infra*, as member cases.

7 Second are those three cases the Court will refer to as *Greystone*-type cases, where  
8 developers who have received Chapter 40 construction defect notices under state law have sued  
9 the homeowners or HOAs who issued the notices in order to compel arbitration. In one or more  
10 of the *Greystone*-type cases, the homeowner or HOA defendants have countersued for  
11 construction defects. The Court has already consolidated two of the *Greystone*-type cases. The  
12 lead case is *Greystone Nevada, LLC v. Anthem Highlands Community Association*, No. 2:11-cv-  
13 1424. The member case is *Greystone Nevada, LLC v. Fiesta Park Homeowners' Association*,  
14 No. 2:11-cv-1422. The Court, having received the concurrence of the transferor judge, will  
15 consolidate the additional case listed, *infra*, as a member case.

16 Although the *Greystone*-type cases include construction defect claims as counterclaims,  
17 the Court will not consolidate the *Greystone*-type cases into the *Slaughter*-type cases but will  
18 adjudicate the construction defect claims only in the *Slaughter* case. The construction defect  
19 claims and counterclaims in the *Slaughter* member cases and the *Greystone*-type cases,  
20 respectively, are precluded by the anti-claim-splitting rule. The claims will be adjudicated in the  
21 *Slaughter* case, whether as a single class or as subclasses. The *Greystone*-type cases concern  
22 only the arbitration issue, and Plaintiffs in those actions are individual developers that have not  
23 pled their actions as class actions. It is a closer question whether the *Greystone*-type cases need  
24 even be consolidate with one another, but the Court will do so because of common issues of law.

25 The Court awaits proposed orders from the parties lifting any pending stays and severing

the manufacturer Defendants from one another for trial.

## CONCLUSION

IT IS HEREBY ORDERED that the following cases are CONSOLIDATED as member cases into lead case *Slaughter v. Uponor, Inc.*, **No. 2:08-cv-1223**; *Waterfall Homeowners Association v. Viega, Inc.*, **No. 2:11-cv-1498**; *The Seasons Homeowners Association, Inc. v. Richmond American Homes of Nevada, Inc.*, **No. 2:11-cv-1875**; *Southern Terrace Homeowners Association v. Viega, Inc.*, **No. 2:12-cv-206**; *Anthem Highlands Community Association v. Viega, Inc.*; **No. 12-cv-207**; *Lamplight Square at Green Valley Homeowners' Association v. Greystone Nevada, LLC*, **No. 2:12-cv-2**; and *Solera at Anthem Community Association, Inc. v. Del Webb Communities, Inc.*, **No. 2:11-cv-425**.


IT IS FURTHER ORDERED that the following case is CONSOLIDATED as a member case into lead case *Greystone Nevada, LLC v. Anthem Highlands Community Association*, **No. 2:11-cv-1424**; *U.S. Home Corp. v. Parker-Hansen*, **No. 2:11-cv-1426**.

IT IS FURTHER ORDERED that all further pleadings shall be filed in the relevant lead case only. Plaintiffs in the respective lead cases shall have leave to file consolidated amended complaints and, in the *Slaughter* case, an amended motion for class certification within ten (10) days of the entry of this Order into the electronic docket in order to consolidate existing parties and claims into a single pleading. The amended complaint shall not add substance or additional legal theories.

IT IS FURTHER ORDERED that the Clerk shall enter this Order into the dockets of the lead cases and all member cases.

IT IS SO ORDERED.

Dated this 14th day of January, 2013.

  
ROBERT C. JONES  
United States District Judge